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PATENT
Attorney Docket No. 016325-008110US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 4 Jan. 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda C. Dwyer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Johnson *et al.*

Application No.: 10/805,075

Filed: March 19, 2004

For: COMPOSITIONS AND METHODS OF
USING HEXOKINASE V

Customer No.: 20350

Confirmation No. 7921

Examiner: Not yet assigned

Group Art Unit: 1635

PETITION UNDER 37 CFR §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.47(a), Applicants hereby petition for filing of the above-identified patent application when a joint inventor refuses to sign or cannot be found or reached after diligent effort. Proof of the pertinent facts is submitted herein with the petition, to properly establish that a diligent effort has been made to obtain the signature of joint inventor Dr. John E. Blume. Specifically, Applicants are submitting the following items:

Exhibit A: a statement by Carolyn Liard describing attempts to reach Dr. Blume;

Exhibit B: a photocopy of a letter, 2nd attempt, sent to Dr. Blume (dated August 4, 2004) that accompanied the Declaration, which was sent via FedEx; and

Exhibit C: copy of FedEx Tracking Summary for August 4, 2004 FedEx.

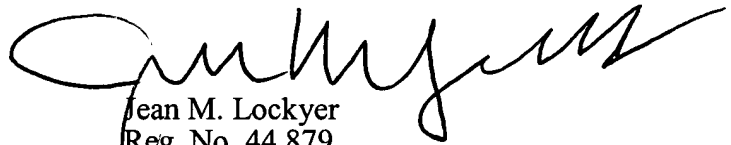
The last known address of Dr. Blume is 31 St. Maurice Court, Danville, CA 94526. A copy of the declaration for this application was mailed via FedEx to Dr. Blume at his residential address on June 28, 2004 by Carolyn Liard, Contracts Administrator, Metabolex, Inc (see, Exhibit A).

A second attempt was made by Carolyn Liard to reach Dr. Blume to obtain his signature on the Declaration for the instant application at the above-listed address. The second delivery to his home address was also sent via FedEx (see Exhibit A and Exhibit B). The FedEx Tracking Summary shows that the shipment was delivered on August 5, 2004 (see Exhibit C).

In view of the foregoing, we petition to proceed without Dr. Blume's signature. The other joint inventors, Drs. Johnson, Gregoire, Schweitzer, Terasawa, and Wilson, have executed the Declaration for the application (enclosed). Because Dr. Blume has not signed the document after diligent effort, Applicants respectfully request that the above-identified application be filed on behalf of Drs. Johnson, Gregoire, Schweitzer, Terasawa, and Wilson and the non-signing joint inventor, Dr. Blume, in accordance with 37 CFR §1.47(a).

Please charge fee for filing this petition to our Deposit Account No. 20-1430 in accordance with the accompanying Fee Transmittal PTO/SB/17 submitted in duplicate.

Respectfully submitted,



Jean M. Lockyer
Reg. No. 44,879

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JML:jml
60390255 v1

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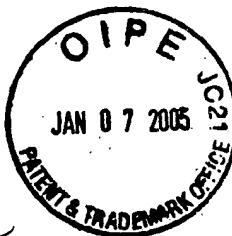
PATENT
Attorney Docket No. 016325-008110US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 4 Jan - 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Dajic



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Johnson *et al.*

Application No.: 10/805,075

Filed: March 19, 2004

For: COMPOSITIONS AND METHODS OF
USING HEXOKINASE V

Customer No.: 20350

Confirmation No. 7921

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Group Art Unit: 1635

STATEMENT BY CAROLYN LIARD OF
ATTEMPTS TO REACH INVENTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is provided to describe my attempts to reach a co-inventor of the instant application, Dr. John E. Blume, to obtain his signature on the Declaration for this application.

I, Carolyn Liard, am a Contract Administrator at Metabolex, Inc., the assignee of the above application. I made two attempts by courier to reach Dr. Blume to obtain his signature on the Declaration. His last known residential address is 31 St. Maurice Court, Danville, CA 94526.

I first sent the materials, including the Declaration for this application, to Dr. Blume via FedEx at his residential address on June 28, 2004. No executed documents were returned.

Appl. No. 10/805,075

Appendix A Statement date: January 4, 2004

PATENT

I made a second attempt to reach Dr. Blume on August 4, 2004. The second delivery to his home address was also sent via FedEx (2nd day). I reviewed the FedEx Tracking Summary to confirm that the shipment was delivered. The delivery date was August 5, 2004. Again, no executed documents were returned.

Signed: _____

Carolyn Liard

Dated: _____

1-4-2005



Metabolex, Inc.
3876 Bay Center Place
Hayward, CA 94545 USA
Tel 510.293.8800
Fax 510.293.9090

Via Federal Express

August 4, 2004

Mr. John Blume
31 St. Maurice Court
Danville, California 94526

Re: Patent Application 10/805,075
For: Compositions and Methods of Using Hexokinase V
Filed: March 19, 2004
Docket No. 016325-008110US

Dear John,

Enclosed please find the declaration and assignment of patent application for the above referenced patent. Please sign and date the declaration first then sign the assignment where indicated in the presence of two witnesses (witnesses must also sign). Please return the signed document in the enclosed, self-addressed Federal Express envelope.

Thank you for your prompt attention to this matter.

Best regards,

Carolyn Liard
Contracts Administrator

enc

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Shipment Details

Ship To:	John Blume	Package type:	FedEx Envelope
	31 St. Maurice Ct.	Pickup/Drop Off	will use scheduled pickup
	Danville, CA 94526	Total Weight:	1 LBS
	US	Dimensions:	0 X 0 X 0
	925 831-3048	Declared Value:	0 USD
From:	Carolyn Liard	Shipper Account Number:	152999178
	METABOLEX, INC	Bill Shipment To:	260178261*
	3876 BAY CENTER PLACE	Bill Duty/Tax/Fees:	260178261
	HAYWARD, CA 94545	Courtesy Rate Quote*:	*0.00
	US	Special Services	Deliver without signature
	5102938121		Residential Delivery
Tracking Number:	792701117335	Shipment type:	Express
Your reference	016325-008110US		
Ship date:	Aug 4 2004		
Service type:	Standard Overnight		

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Tracking number	792701117335	Reference	016325-008110US
Signed for by	3785346	Delivery location	DANVILLE, CA
Ship date	Aug 4, 2004	Service type	FedEx 2Day Service
Delivery date	Aug 5, 2004 12:49 PM		
Status	Delivered		

Date/Time	Activity	Location	Details
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